THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P. Nos. 19204, 19205, 19206, 19406 & 19468 OF 2005

DATED: 02.09.2005

Between:

1. Malla Reddy Educational Society … Petitioners in

& another. WP.19204/05

2. Chandramma Educational Society … Petitioners in

& another. WP.19205/05

3. M.G.R. Educational Society … Petitioners in

& another. WP.19206/05

4. Anwar-Ul-Uloom Educational … Petitioners in

Association & another. WP.19406/05

5. Balaji Educational Society … Petitioners in

& another WP.19468/05

AND

The Govt. of A.P., rep., by its Principal

Secretary, Higher Education Department, … Respondents in

Hyderabd & 2 others. all writ petitions.

COMMON ORDER:-

The petitioners have established institutions to impart technical education in Engineering or Pharmacy as the case may be. They have been accorded approval by the All India Council for Technical Education only in the month of August 2005. By that time, not only the admission process into various Engineering colleges in the State had commenced, but the first phase of the counseling was also concluded. The 2nd phase of the counselling is said to be in progress.

The allotment of candidates by the convener of EAMCET takes place only for those colleges, which are included in the list of approved colleges. This list, in turn, is prepared on the strength of the orders passed by the Government from time to time.

The grievance of the petitioners is that though they have been accorded approval, before the counselling for admission into Engineering colleges had concluded, no steps have been taken to include their institutions in the list. They contend that if the institutions are not included in the list of approved colleges and candidates are not allotted for this academic year, the entire infrastructure in the colleges would go waste, and they would be put to irreparable loss.

Heard the learned counsel for the petitioners and the learned Government Pleader for Higher Education.

Be it on account of lack of a comprehensive policy or lack of coordination between the various agencies, it so happened that permission came to be accorded to the petitioners by the AICTE long after the admission process has started. It is true that the approval accorded by AICTE enables an agency to establish a college. However, having regard to the fact that it is the University that has to conduct examinations and to regulate other aspects of the courses, and it is the State Government that is under obligation to ensure that educational institutions are established in a systematic and regulated manner, their role cannot be treated either as minimal or irrelevant. For all practical purposes, the AICTE virtually washes of his hands by granting approval and the burden of regulating the institutions, conducting examinations & conferring degrees etc., has to be borne by the Universities or the Government as the case may be.

Taking advantage of the various observations made by the Supreme Court from time to time, the private educational institutions have brought about a situation wherein an order or approval by the AICTE is treated as the ultimate basis for establishing the college and the State Government or University as the case may be

are made to remain as spectators or, they are made to just blindly supply the follow up. Howsoever trivial the significance of these events may be, it can safely be said that proper coordination between the three agencies at appropriate level would certainly bring about educational institutions with perfection in all their respect and a congenial atmosphere.

Be that as it may, the law as it stands now enables the AICTE to accord permission either respecting or disregarding the views of the Government or the Universities and as long as the approval is accorded it needs to be enforced, as long as the admissions are not closed irrespective of the stage of admissions.

Fortunately, for the petitioners, the 2nd phase of the counselling is scheduled to take place upto 22.09.2005. They have stated that on its own accord the Government had added certain institutions to list of colleges though the approval was accorded by the AICTE subsequent to the commencement of the admission process. The applications of the petitioners are said to have been forwarded to the Government on 22.08.2005.

Having regard to the facts and circumstances, the writ petitions are disposed of, directing the Government of A.P., represented by its Principal Secretary, to take necessary steps in the matter of inclusion of the names of the petitioners' institutions in the list of approved colleges, within ten days, from the date of receipt of a copy of this order. No order as to costs.

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L. NARASIMHA REDDY, J

Date: 02.09.2005

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